

LEWIS BRISBOIS BISGAARD & SMITH LLP

JOHN S. POULOS, SB# 154689

E-Mail: John.Poulos@lewisbrisbois.com

2020 West El Camino Avenue, Suite 700

Sacramento, California 95833

Telephone: 916.564.5400

Facsimile: 916.564.5444

LEWIS BRISBOIS BISGAARD & SMITH LLP

CHERYL WILKE, SB# 216109

E-Mail: Cheryl.Wilke@lewisbrisbois.com

110 SE 6th Street, Suite 2600

Fort Lauderdale, FL 33301

Telephone: 954.728.1280

Facsimile: 954.728.1282

Attorneys for Defendants GEO GROUP,
INC., a Florida Corporation, dba GEO
CALIFORNIA, INC., and MONICA
HOOK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH H. ("MALIK")
WASHINGTON, an individual; and
SAN FRANCISCO BAY VIEW
NATIONAL BLACK NEWSPAPER, a
California corporation,

Plaintiffs,

vs.

FEDERAL BUREAU OF PRISONS, a
public agency of the United States;
THE GEO GROUP, INC., a Florida
corporation, dba GEO CALIFORNIA,
INC.; MONICA HOOK, an individual;
MARIA RICHARD, an individual;
WILL GOMEZ, an individual;
MURTALA LANVAL, an individual,
and DOES 1 through 10, inclusive,

Defendants.

Case No. 4:21-cv-00787-JST

**DEFENDANTS GEO GROUP, INC.,
A FLORIDA CORPORATION DBA
GEO CALIFORNIA, INC. AND
MONICA HOOK'S VERIFIED
ANSWER TO PLAINTIFFS'
AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE
AND DECLARATORY RELIEF**

Trial Date: None Set

Defendants GEO CALIFORNIA, INC., a Florida corporation, dba GEO
CALIFORNIA, INC. ("GEO") and MONICA HOOK ("HOOK"), collectively

1 referred to as Defendants and individually, by name, respond to Plaintiffs KEITH H.
2 (“MALIK”) WASHINGTON and SAN FRANCISCO BAY VIEW NATIONAL
3 BLACK NEWSPAPER’s (“Plaintiffs”) Amended Complaint for Damages and
4 Injunctive and Declaratory Relief (“Complaint”) as follows:

5 INTRODUCTION

6 1. Answering Paragraph 1 of the Complaint, Defendants lack sufficient
7 factual basis to admit or deny the allegations set forth in Paragraph 1 of the
8 Complaint and therefore deny the same.

9 2. Defendants deny the allegations in this paragraph and that any
10 violations occurred or relief is required.

11 3. Denied.

12 4. Denied that retaliation occurred as described.

13 5. Denied.

14 6. Admitted.

15 7. Admitted as to Mr. Washington’s status as a resident at the Taylor
16 Street facility. Denied as to the remaining allegations in the paragraph.

17 8. Denied.

18 JURISDICTION AND VENUE

19 9. Denied as to any violations of any of the statutes set forth. The
20 Defendants deny that this court has jurisdiction as the Plaintiff has not exhausted

21 10. The allegations in Paragraph 10 of the Complaint that venue is proper
22 in is a legal conclusion that does not require an answer. To the extent a further
23 answer is required, Defendants admit that it conducts business in the city and county
24 of San Francisco.

25 PARTIES

26 11. Denied.

27 12. Without knowledge of the Plaintiff’s employment, education and
28 incarceration history before his assignment to Taylor Street.

1 13. Admitted as to Washington's custody requirements with the Federal
2 Bureau of Prisons. Denied as to the remaining claims in this Paragraph.

3 14. Denied.

4 15. Denied as to duties approved for Washington's work release program.

5 16. Admitted as to writing stories. Denied as to development of stories.

6 17. Denied.

7 18. Denied.

8 19. Without knowledge of readership and details of distribution. To the
9 extent the allegations of paragraph 19 attempt to state a legal or factual conclusion,
10 such allegations do not require an answer.

11 20. Admitted.

12 21. These Defendants are not responding on behalf of Bureau of Prisons.
13 However, the allegations in paragraph 21 are denied to the extent they reference a
14 finite number of services which can and are provided by GEO Group.

15 22. Denied.

16 23. Admitted as to GEO's responsibility as contractual obligations. To the
17 extent the Plaintiff attempts to characterize the contract, Defendants deny such
18 allegations.

19 24. Admitted as to the GEO's creation of its "Global Human Rights
20 Policy." Denied as to the characterization of the terms.

21 25. The Defendants do not have sufficient first hand factual basis to admit
22 or deny the allegations set forth in Paragraph 25.

23 26. The Defendants are without knowledge of the Bureau of Prison's
24 contract considerations.

25 27. Admitted as to job title of Monica Hook. Denied that she is sui juris in
26 her individual capacity.

27 28. The Defendants, GEO Group and Hook are responding only on their
28 behalf and therefore do not make any representations as to the Co-Defendants.

1 29. The Defendants, GEO Group and Hook are responding only on their
2 behalf and therefore do not make any representations as to the Co-Defendants

3 30. The Defendants, GEO Group and Hook are responding only on their
4 behalf and therefore do not make any representations as to the Co-Defendants

5 31. Denied.

6 32. Denied.

7 **GENERAL ALLEGATIONS**

8 33. Denied.

9 34. Defendant admits that the memorandum is a true and correct copy.

10 35. Denied.

11 36. Denied.

12 37. Without knowledge of the Plaintiff's actions and communications or
13 the responses of non-party, Redmond

14 38. Denied.

15 39. Hook and GEO are without knowledge as to the Plaintiff's
16 communications with non-party Redmond. To the extent the allegations attempt to
17 characterize Plaintiff's actions as proper under the terms of this confinement,
18 Defendant deny same.

19 40. The allegation is not related to the actions of the Plaintiff or Defendants
20 and therefore, Defendants lack sufficient knowledge to respond.

21 41. Defendants admit that emails were sent from reporters to the Taylor
22 Street facility regarding COVID-19 positive cases. Denies the quoted statement is
23 complete.

24 42. Admitted as to the response from Hook.

25 43. The allegation is not related to the actions of the Plaintiff or Defendants
26 and therefore, Defendants lack sufficient knowledge to respond.

27 44. Admitted as to Hook's attempts to ascertain the identity of the third
28 party.

1 45. Admitted.

2 46. Admitted.

3 47. The allegation is not related to the actions of the Plaintiff or Defendants
4 and therefore, Defendants lack sufficient knowledge to respond.

5 48. Denied.

6 49. Denied.

7 50. Denied.

8 51. Admitted.

9 52. Admitted.

10 53. Denied.

11 54. Denied.

12 55. Admitted.

13 56. Admitted that discipline was extended. Denied as to relationship to
14 Washington approved job release.

15 57. Denied.

16 58. Denied.

17 59. Admitted.

18 60. Denied.

19 61. Denied.

20 62. Admitted as to the submission of the BP-9 form. Denied as to response
21 not being provided.

22 63. Answering Paragraph 63 of the Complaint, Defendants
23 lacks sufficient factual basis to admit or deny the allegations set forth.

24 64. Admitted.

25 65. Denied that the Defendants participated in any conduct necessitating
26 retention of counsel. Defendants deny any award of attorney fees.

27 ///

28 ///

**ADDITIONAL ALLEGATIONS REGARDING RETALIATORY ACTS OF
FEBRUARY 4, 2021**

66. The Allegations of Paragraph 66 are based on facts which these Defendants to have sufficient knowledge to admit or deny.

67. Denied.

68. Admitted.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. Admitted.

74. Admitted.

75. Admitted.

76. Admitted.

77. Admitted.

78. Admitted.

79. Admitted.

80. Denied.

81. Denied as to the characterization of the Defendant's statements.

82. Admitted.

FIRST CLAIM FOR RELIEF

For Violations of the First Amendment

By Each Plaintiff Against Each Defendant

61. The Defendants are utilizing the numbering on the Amended Complaint. However, the numbers are out of order and start again with paragraph 61. Paragraph 61 is expository and accordingly no response is required.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

SECOND CLAIM FOR RELIEF

For Violations of the Fifth Amendment

By Plaintiff Washington Against All Defendants

67. Paragraph 67 is expository and accordingly no response is required.

68. Denied.

69. Denied.

70. Denied.

THIRD CLAIM FOR RELIEF

For Violation of the California Constitution, Article I, section 2

By Each Plaintiff Against Defendants the GEO Group, Inc., dba GEO California, Inc.; Monica Hook; Maria Richard; Will Gomez, Murtala Lanval; and DOES 1 Through 10, Inclusive

71. Paragraph 71 is expository and accordingly no response is required.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

FOURTH CLAIM FOR RELIEF

For Violation of California Civil Code § 52.1(b)

By Each Plaintiff Against Defendants The GEO Group, Inc., dba GEO California, Inc.; Monica Hook; Maria Richard; Will Gomez; Murtala Lanval; and DOES 1 through 10, inclusive

76. Paragraph 76 is expository and accordingly no response is required.

77. Denied.

1 78. Denied.

2 79. Denied.

3 80. Denied.

4 **FIFTH CLAIM FOR RELIEF**

5 **For Breach of Contract**

6 **By Each Plaintiff Against Defendant**

7 **The GEO Group, Inc., dba GEO California, Inc.**

8 81. Paragraph 81 is expository and accordingly no response is required.

9 82. Denied as to legal entity to Contract DJB200264.

10 83. Admitted as to the published Global Human Rights Policy. Denied as
11 to any violation of said policy as to Plaintiff as well as to the applicability to the
12 Plaintiff's actions which violate BOP requirements.

13 84. Without knowledge of the specific content of the Universal Declaration
14 on Human Rights.

15 85. Defendant GEO Group is without knowledge as to the beliefs of the
16 Bureau of Prisons and unable to admit or deny.

17 86. Denied.

18 87. Denied.

19 88. Denied.

20 89. Denied.

21 **SIXTH CLAIM FOR RELIEF**

22 **For Conversion**

23 **By Each Plaintiff Washington Against Defendants The GEO Group, Inc.,**
24 **dba GEO California, Inc.; Will Gomez; Maria Richard; and Does 1 through**
25 **10, inclusive**

26 90. Paragraph 90 is expository and accordingly no response is required.

27 91. On behalf of Defendant GEO, Denied.

28 92. On behalf of Defendant GEO, Denied.

1 93. On behalf of Defendant GEO, Denied.

2
3 94. On behalf of Defendant GEO, Denied.

4 95. On behalf of Defendant GEO, Denied.

5 96. TEXT

6 **DECLARATORY AND INJUNCTIVE RELIEF**

7 97. Denied.

8 **FIRST ADDITIONAL DEFENSE¹**

9 1. The Complaint fails to state facts sufficient to constitute a cause of action
10 upon which relief can be granted against Defendants. The Complaint also seeks relief
11 against Defendants that is not properly recoverable by Plaintiff and Plaintiff is
12 therefore barred from any recovery against Defendants.

13 **SECOND ADDITIONAL DEFENSE**

14 2. Plaintiff's claims are barred because Plaintiff did not fulfill all of the
15 conditions precedent to bringing this case based on the statutory obligations of the
16 Prison Litigation Reform Act (PLRA) 42 U.S.C. Sec. 1997e(a).

17 **THIRD ADDITIONAL DEFENSE**

18 3. Plaintiff, through his conduct, acts and omissions, is barred by the
19 doctrine of prior breach and the terms of his confinement.

20 **FOURTH ADDITIONAL DEFENSE**

21 4. Plaintiff through his conduct, acts and omissions, is estopped from
22 asserting or recovering under any of its causes of actions alleged against Defendants
23 in the Complaint because of his own conduct. Defendants allege that Plaintiff knew
24 or should have known his obligations and as well as the limitation on his rights as a
25 convicted felon serving a portion of his confinement at the Taylor Street facility, and
26

27 ¹ By asserting these defenses, Defendants do not concede that they bear the burden
28 of proof on any of these defenses.

1 is thereby estopped from claiming damages as a result of these purported conditions,
2 actions or otherwise, if any.

3 **FIFTH ADDITIONAL DEFENSE**

4 5. The injuries and damages, if any, of which Plaintiffs complain were
5 directly and proximately caused and contributed to by the actions of the Plaintiff as
6 he was under the custody of the Bureau of Prisons and had limitations on his exercise
7 of Constitutional rights, thus barring Plaintiffs from recovery herein and/or reducing
8 Plaintiffs' recovery thereby.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Defendants GEO Group and Monica Hook respectfully pray
11 for entry of judgment in their favor and against Plaintiffs as to all claims for relief as
12 follows:

- 13 1. That Plaintiffs take nothing by way of their Complaint;
14 2. That no Restraining Order, Preliminary Injunction or Permanent
15 Injunction be entered against Defendant GEO or Hook;
16 3. That no Declaratory Relief be ordered:
17 4. That no monetary or equitable damages or remedies be provided;
18 5. For a denial of an award against Defendants for any attorney's fees and
19 costs;
20 6. For any other and further relief as the Court may deem just and proper.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 DATED: March 5, 2021

LEWIS BRISBOIS BISGAARD & SMITH LLP

2
3
4 By: /s/ John S. Poulos

JOHN S. POULOS

5 CHERYL WILKE

6 Attorneys for Defendants GEO GROUP,
7 INC., a Florida Corporation, dba GEO
8 CALIFORNIA, INC., and MONICA
9 HOOK
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **VERIFICATION**

2 **STATE OF FLORIDA, COUNTY OF PALM BEACH**

3 I have read the foregoing DEFENDANTS GEO GROUP, INC., A FLORIDA
4 CORPORATION DBA GEO CALIFORNIA, INC. AND MONICA HOOK'S
5 VERIFIED ANSWER TO PLAINTIFFS' AMENDED COMPLAINT FOR
6 DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF and know its
7 contents.

8 ☒ I am a party to this action. The matters stated in the foregoing document are
9 true of my own knowledge except as to those matters which are stated on
10 information and belief, and as to those matters I believe them to be true.

11 ☒ I am Spencer Winepol, Associate Corporate Counsel of THE GEO GROUP,
12 INC., A Florida corporation, dba GEO CALIFORNIA, INC., a party to this action,
13 and am authorized to make this verification for and on its behalf, and I make this
14 verification for that reason.

15 ☒ I am informed and believe and on that ground allege that the matters
16 stated in the foregoing document are true.

17 ☐ The matters stated in the foregoing document are true of my own
18 knowledge except as to those matters which are stated on information
19 and belief, and as to those matters I believe them to be true.

20 ☐ I am one of the attorneys for THE GEO GROUP, INC., A Florida
21 corporation, dba GEO CALIFORNIA, INC., a party to this action. Such party is
22 absent from the county where such attorneys have their offices, and I make this
23 verification for and on behalf of that party for that reason. I am informed and
24 believe and on that ground allege that the matters stated in the foregoing document
25 are true.

26 I declare under penalty of perjury under the laws of the United States of
27 America and the State of California that the foregoing is true and correct.

28 Executed on March 5, 2021, at Boca Raton, Florida.

29 Spencer Winepol
30 Print Name of Signatory

31 [Signature]
32 Signature

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I have read the foregoing DEFENDANTS GEO GROUP, INC., A FLORIDA CORPORATION DBA GEO CALIFORNIA, INC. AND MONICA HOOK'S VERIFIED ANSWER TO PLAINTIFFS' AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF and know its contents.

☒ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the county where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on March __, 2021, at Sacramento, California.

MONICA HOOK

Print Name of Signatory



Signature